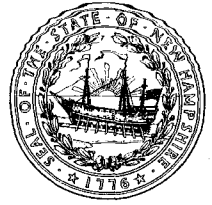




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

LETTER OF DEFICIENCY  
WET 06-007

January 06, 2006

Gilbert & Chantal Misiaszek  
259 Second NH Turnpike  
Hillsborough, NH 03244

RE: DES Wetlands File #2005-02712, 259 Second NH Turnpike, Hillsborough

Dear Mr. & Mrs. Misiaszek:

On November 21, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hillsborough Tax Map 11B as Lot 215 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A pond, approximately 2300 square feet in size, had been constructed in a wetland, and
2. Approximately 4,000 square feet of wetland had been landscaped and converted to lawn.

In response, you are requested to take the following actions:

**1. Within 60 days of receipt of this Letter of Deficiency**, submit a restoration plan to DES for review and approval to restore the wetland to its original grade and vegetation in the landscaped area. The restoration plan shall include provisions for planting trees, shrubs and ground cover and removing any fill placed in the wetland on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. The restoration activities shall be completed no later than June 30, 2006.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for one successive growing season following completion of the restoration project but no later than October 1, 2006.

**2. Implement the restoration plan only after receiving written approval and as conditioned by DES.**

**3. Within 60 days of receipt of this Letter of Deficiency**, submit an administratively complete after-the-fact Standard Dredge and Fill application to retain the pond.

4. If the Standard Dredge and Fill application is denied or withdrawn, submit a restoration plan **within 30 days** of the denial or withdrawal. The restoration plan shall include all requirements indicated in item #1 above as well as provisions to restore the pond to its original wetland state.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

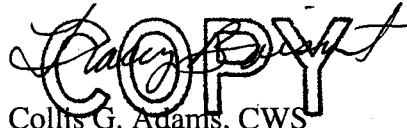
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,



Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 8956

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Hillsborough Conservation Commission  
Hillsborough Board of Selectmen  
USACOE